



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

By electronic mail and United Parcel Service

Thomas P. Jacobus, General Manager
Washington Aqueduct
U.S. Army Corps of Engineers, Baltimore District
5900 MacArthur Boulevard, N.W.
Washington, D.C. 20016-2514

Dear Mr. Jacobus:

This letter amends the U.S. Environmental Protection Agency Region III's (EPA) approval of the bypass discharge from Basin 1 through Outfall 004. On September 15, 2014, the Washington Aqueduct requested authorization of an anticipated bypass pursuant to Part II, Section B, Paragraph 3 of its National Pollutant Discharge Elimination System permit No. DC0000019 ("NPDES Permit") through Outfalls 003 and 004 of the treatment systems installed in the two Georgetown Sedimentation Basins. That bypass request was approved pursuant to the NPDES Permit and pursuant to 40 C.F.R. § 122.41(m) by letter dated November 10, 2014. On November 30, 2014, EPA clarified that its November 10, 2014 approval extended to both Basins 1 and 2. The approval was subject to certain conditions consistent with past practice and intended to ensure that sediment discharged from the basins would receive dilution and to minimize impacts to the Potomac River. A courtesy copy of the November 10, 2014 letter was sent to the District of Columbia Department of the Environment (DCDOE).

Background

On March 14, 2003, EPA issued an NPDES permit to the U.S. Army Corps of Engineers (Corps) for discharges from the Washington Aqueduct, imposing numeric limitations on discharges from the Washington Aqueduct that would require construction of a residuals processing facility and other treatment facilities. That permit was subsequently re-issued on 2008, and the 2008 permit remains the operative NPDES permit for discharges from the Washington Aqueduct. The Corps and EPA entered into a Federal Facilities Compliance Agreement (FFCA) to allow the Corps sufficient time to fully construct the necessary treatment facilities. Construction was completed, and the FFCA was closed out in 2012.

The upset and bypass provisions in NPDES Permit No. DC0000019 are standard provisions taken directly from the applicable regulations (40 C.F.R. § 122.41(m) & (n)). "Upset" and "bypass" are concepts that may take into account emergency conditions that may cause permit non-compliance under certain, very limited conditions. EPA and the Corps

consistently have recognized that there may be situations in which the Corps may need to discharge from the sedimentation basins outside the restrictions placed on the discharge in the NPDES Permit to avoid damage to the Washington Aqueduct facilities that would impair the Washington Aqueduct's ability to provide safe drinking water.

Amended Approval for Bypass for Discharges from Basin 1 through Outfall 004

For the reasons set forth in EPA's November 10, 2014 letter and upon consideration of additional information provided to EPA related to the bypass discharge from Basin 2 completed December 2014, EPA determines that the requirements of Part II, Section B, Paragraph 3 have been satisfied and approves the request for authorization of an anticipated bypass from Basin 1 through Outfall 004, subject to the following conditions:

- a) no discharge may occur during spring spawning season (February 15- June 30);
- b) the Corps will discharge only during daylight hours;
- c) no discharge may occur through Outfall 004 unless the flow in the Potomac River is equal to or greater than 1500 million gallons per day (mgd) as measured at the gauge station at Little Falls (2.90 feet in river elevation);
- d) the duration of the discharge must be extended to a minimum of thirty-six (36) hours, using best efforts to maintain a constant rate on an hourly basis;
- e) Two hours prior to commencing the discharge each day, the Corps must agitate the solids to get them into suspension. After suspending the solids, the Corps will take a representative sample from the basin and determine whether the solids concentration is less than 1.6 percent (16,000 mg/L). If the solids concentration is 1.6 percent or greater, the Corps must introduce additional untreated water and repeat the agitation and sampling until the solids concentration is below 1.6 percent;
- f) EPA understands that there are approximately seven million gallons of untreated water currently in Basin 1 and that, following agitation, sampling has demonstrated that the agitated water contains 1.6 percent solids. Once the discharge is commenced, the Corps must continue to introduce untreated water. For the first 8 hours, the Corps will introduce one unit of untreated water for every two units of water discharged. After the initial 8 hours, the Corps will gradually reduce introduction of untreated water to allow the basin to empty;
- g) For the first 12 hours of the discharge, the Corps must collect a sample every two hours from the location identified in the Enclosure and analyze the sample for TSS. For the second 12 hours of the discharge, the Corps must collect a sample every four hours. For the remainder of the discharge, the Corps must collect a sample every six hours. At the same time that each sample is taken, the Corps will visually monitor the size and location of any plume in the Potomac River;
- h) Throughout the discharge, the Corps will collect and analyze a sample for percent solids every six hours;
- i) In the event that any sample demonstrates that percent solids exceeds 1.6 (16,000 mg/L), the Corps must cease the discharge and repeat the introduction of additional untreated water, agitation and sampling process described in item e above.

The Corps also should ensure it has made all notifications required by the NPDES permit. If you have any technical questions please feel free to contact Andrew Seligman at 215-814-2097.

Sincerely,

Jon M. Capacasa, Director
Water Protection Division

Enclosure
Cc: DC DOE